IV. REMARKS

1. The specification is amended.

2. Claims 1, 3-11 and 13-19 are not anticipated by Schuster et al. ("Schuster") (U.S. Patent No. 6,360,271) under 35 U.S.C. §102(e).

Claim 1 recites a device comprising *a memory for storing a data packet that arrives in the device as part of a data burst,* ***a clock*** *for determining the course of time, and transferring means for transferring the packets from the memory to the processing means on the basis of* ***a response obtained from the clock*** *of the reaching of said play-out delay value from the* ***moment the data packet was received.*** This is not disclosed or suggested by Schuster.

Applicant's invention is directed to a device for timing the processing of data packets, for example, in real time audio where no synchronization is needed. This timing is accomplished by calculating the needed delays at the **receiving end**. Thus, the invention includes calculating means for calculating a value for a play-out delay. The value of the play-out delay corresponds with the value which only "m" data packets would have failed to be received of n temporarily most recent data packets if the initiation of the processing of data bursts had been delayed for the period of the play-out delay. The **transferring means** transfers the packets from the memory to the processing means **"on the basis of a response obtained from the clock".** Thus, the calculator of the needed delays does not require any timing information from the transmitting end or any complex synchronization between the two devices. The **clock on the receiving end** determines the course of time and it is on the

"basis of a response obtained from the clock" that the needed delays are calculated. Thus, unlike Schuster, Applicant's invention does not need or use an external clock and there is no need for synchronization.

In Schuster there is a need for synchronization. This is because the delays of the solution disclosed by Schuster are based on the sender-time based first clock signal at the **transmitting end**. Schuster mentions that the clock signals may be also non-synchronized. However, Schuster does not disclose or suggest any solution to avoid the synchronization. Rather, Schuster suggests using for example a GPS-technology for maintaining the clock synchronization.

In Applicant's invention the data packet arrives in the device as part of a data burst. The clock is in the device. The needed delays are calculated on the basis of the clock at **the receiving end ("the device")**. In Schuster, any delays are calculated in the **transmitting end**, and therefore requires synchronization. This is referred to in Schuster, for example, in col. 7, lines 1-7, where the "network transmission delay" is calculated as the difference between the "receiver-time and the sender-time." Schuster thus needs a "synchronized, accurate delay measurement." (col. 7, lines 23-24), and also FIG. 1, where a common clock source is illustrated. In Applicant's invention the clock is in the device that receives the data burst. Thus, Schuster cannot disclose or suggest *"transferring means for transferring the packets from the memory to the processing means* ***on the basis of a response obtained from the clock of the reaching of said play-out delay value*** *from the moment the data packet was received" and* claim 1 is not anticipated by Schuster.

Claims 2-10 should be allowable at least by reason of their respective dependencies.

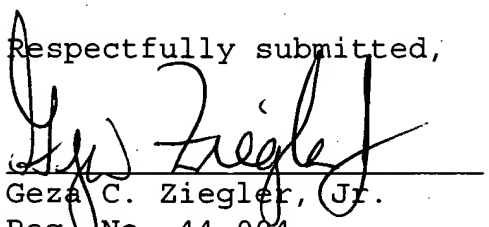
Claim 11 recites a method with features similar to those described with respect to claim 1, and should also be allowable.

Claims 12-19 should be allowable at least be reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $120 is enclosed for a one-month extension of time. The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



5 April 2005

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